

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

CA. NO. 12-1568

FREDDY MONTALVO ET AL.

Plaintiffs

V.

MAS FLOW, LT'S BENJAMIN
RECORDS, ET AL.

Defendants

PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S OPPOSITION TO
PLAINTIFFS' SUPPLEMENTAL BRIEF OR IN THE ALTERNATIVE
TO ALLOW PLAINTIFFS TO FILE A REPLY BRIEF

Now Come the Plaintiffs, in the above-entitled Action, and hereby MOVE this Honorable court to Strike Defendant's Opposition to Plaintiffs' Supplemental Brief (Dkt. 219) AS BEING WHOLLY UNRESPONSIVE to the Supplemental brief, or in the alternative, to allow them to file a Reply Memorandum pursuant to F.R.C.P. 12 (f) and Local Rule 7(c).

IN SUPPORT HEREOF, Plaintiffs state the defendant has raised issues that transcend the subject matter of the Supplemental brief as Ordered by this Honorable Court. The plaintiffs were ordered to state which works they felt were subject to the Copyright infringement claims. The argument of the defendant is "immaterial" to the scope of the Supplemental Brief, and should be stricken.

In response, Defendant has, in effect, proffered argument that should be reserved for dispositive motions, as their argument involves the issue of ownership, which was and is, an issue that is disputed.

WHEREFORE, Plaintiffs Move this honorable Court to Strike Defendant's Opposition (Dkt. 219) to Plaintiffs' Supplemental Brief, or, in the alternative allow Plaintiffs to file a Reply Memorandum pursuant to F.R.C.P. 12 (f) and U.S.D.C. Puerto Rico Local Rule 7(c).

Dated: January 13, 2015

Respectfully Submitted,

/s/ Jorge Maldonado-Rios

Jorge Maldonado-Rios
Bar number:214207
PO BOX 373127
Cayey, Puerto Rico,00737-3127
(787) 263-1940

/s/David A. Mech

David A. Mech, Esq.
1 Crescent Hill
Springfield, MA 01105
413-734-1070
Fax 413-747-7609
BBO 551091
ccobrecords@aol.com

CERTIFICATE OF SERVICE

I George Maldonado hereby certify I served the above Motion on all Parties of Record by filing same in the ECF online database this 13th day of January 2015.

/s/George Maldonado –Rios
